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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,102	01/31/2001	Lisa S. Martin	M-9863 US DC-02830	1750
33438	7590	05/19/2005	EXAMINER	
HAMILTON & TERRILE, LLP			JASMIN, LYNDIA C	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	
			3627	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,102

Applicant(s)

MARTIN ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received February 16, 2005 has been acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 5-9, 11-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aram (2002/0072986 A1), in view of Goss (6,236,901 B1).

Aram discloses a method of ordering and assembling material, comprising: considering a quantity of a material (via suppliers inventory of items, goods, parts and/or sub-assemblies and the like) available from a plurality of suppliers (102) via a computer system, considering a quantity of a material available from a plurality of supplier

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logistics centers (via distributor 104) via a computer system, identifying a supplier or a supplier logistics center to receive an order for the material based upon the considering (via determining the stock level held by relevant supplier or elsewhere; see box 109), and sending electronically an order for the material to the supplier or supplier logistics center identified to receive the order (via emailing the supplier to alert the supplier to a newly logged order; see box 0112). Aram further discloses customers sending order electronically to distributor, and the supplier logistics center (via distributor's warehouse) receiving the material from a supplier (via distributor suppliers or other suppliers).

However, Aram fails to disclose that the material is not ordered until a manufacturer realizes a demand, and a manufacturer realizes the demand for the material after orders are received from customers fulfilling the orders requires assembling the products and assembling the products requires the material.

Goss discloses a method for manufacturer to order material and assembling of the material such a computer system. The manufacturing and assembling of the system *is responsive* to orders received from customer (build-to-order) via a control unit. Further, a list of components for assembling the ordered product is received and displayed. A kit tray including product components is prepared. The prepared kit tray is transferred to an assembly unit operable to receive prepared kit trays. The ordered product is assembled in the assembly unit using the product components from the prepared kit.

From this teaching of Goss, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify the method of ordering goods

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from a distributor in Aram to include the fulfilling and assembling of product manufacturing from specific order as taught by Goss in order to facilitate production of materials without keeping a large inventory at a processing factory.

5. As best understood, claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aram in view of Goss, as applied to claims 1, 7, and 13 further in view of Peterson et al. (6,539,360 B1)

The Aram and Goss combination discloses the elements of the claimed invention, but fails to explicitly disclose taking title/ownership by the manufacturer to a material after the material is shipped by a supplier.

Peterson et al. discloses the concept of where suppliers are authorized by the manufacturer of an item to distribute the item.

From this teaching of Peterson et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of ordering and distributing goods of the Aram and Goss combination to include the manufacturing product ownership taught by Peterson et al. in order to provide complete access of product inventory by a manufacturer.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bickley et al. and Shiiba et al. are cited as art of interest.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

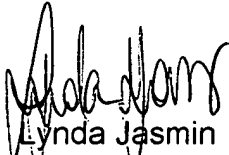
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (571) 272-6788. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/16/05
Lynda Jasmin
Primary Examiner
Art Unit 3627

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